



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 123**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H123-ABB-6 [v.3]

Page 1 of 2

Amends Title [YES]
First Edition

Date _____, 2021

Representative _____

1 moves to amend the bill on page 1, line 4, by rewriting the line to read:

2
3 "CUSTODY AND TO REQUIRE THAT A FIRST APPEARANCE FOR ANY CRIMINAL
4 CHARGE BE HELD WITHIN SEVENTY-TWO HOURS OF WHEN A DEFENDANT IS
5 TAKEN INTO CUSTODY.";

6
7 and on page 1, line 24, by rewriting the line to read:

8
9 "G.S. 15A-511, ~~he~~ the judge may consolidate those proceedings and the proceedings under this";

10
11 and on page 1, line 26 through 28, by rewriting the lines to read:

12
13 "(c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first
14 appearance before a district court judge must be held within ~~96-72~~ hours after the defendant is
15 taken into custody or at the first regular session of the district court in the county, whichever
16 occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this
17 Chapter, Bail, within ~~96-72~~ hours after being taken into custody, first appearance must be held at
18 the next session of district court held in the county. This subsection does not apply to a defendant
19 whose first appearance before a district court judge has been set in a criminal summons pursuant
20 to G.S. 15A-303(d).

21 ...

22 (e) ~~The~~ During regular business hours, the clerk of the superior court in the county in
23 which the defendant is taken into custody may conduct a first appearance as provided in this
24 Article if a district court judge is not available in the county within ~~96-72~~ hours after the defendant
25 is taken into custody. The clerk, in conducting a first appearance, shall proceed under this Article
26 as would a district court judge."

27 **SECTION 2.** This act becomes effective December 1, 2021, and applies to criminal
28 processes served on or after that date."
29



* H 1 2 3 - A B B - 6 - V - 3 *

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 123**

H123-ABB-6 [v.3]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 2 of 2

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____